

FIRST REGULAR SESSION

HOUSE BILL NO. 376

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FRASER AND LIESE (Co-sponsors).

Read 1st time January 16, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0286L.011

AN ACT

To amend chapter 67, RSMo, by adding thereto five new sections relating to equalization of local governmental services for certain property owners.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 67, RSMo, is amended by adding thereto five new sections, to be known as sections 67.1800, 67.1802, 67.1804, 67.1806 and 67.1808, to read as follows:

67.1800. Sections 67.1800 to 67.1808 shall be known as the "Missouri Equalization of Local Governmental Services for Homeowners Act".

67.1802. For the purposes of sections 67.1800 to 67.1808, the following terms mean:

(1) "Common interest community", the same meaning as in section 71.012, RSMo;

(2) "Condominium", the same meaning as in subdivision (7) of section 448.1-103, RSMo;

(3) "Cooperative", the same meaning as in section 71.012, RSMo;

(4) "Planned community", the same meaning as in section 71.012, RSMo;

(5) "Qualified common interest community", a residential common interest community, the residents of which do not receive any tax abatement or tax exemption related to its construction, comprised of a condominium association, cooperative corporation, or homeowners association, board of trustees or board of managers, in which the cost of providing essential services is paid for by a nonprofit organization consisting exclusively of lot owners or unit owners within the community, regardless of whether the developer has transferred control of such organization to the owners. No apartment building owned by an individual or entity that receives rental payments from tenants who occupy the premises, nor any campground facility, nor any common interest community in which fifty percent or more of the lots or units are held for lease, shall be considered a

17 qualified common interest community.

67.1804. 1. Except as otherwise provided in subsections 2 and 3 of this section,
2 subject to state appropriation, the governing body of every political subdivision shall
3 reimburse a qualified common interest community for the following services or provide the
4 following services within a qualified common interest community to the same extent as the
5 political subdivision provides these services on public roads and streets:

6 (1) Removal of snow, ice and other obstructions from the roads and streets;
7 provided that a qualified common interest community may, at its option, elect to continue
8 to provide such service, in which case the political subdivision shall provide
9 reimbursement;

10 (2) Collection of trash, garbage, leaves and recyclable materials; and

11 (3) Maintenance, repair and replacement of the roads and streets.

12 2. The governing body of a political subdivision shall reimburse a qualifying
13 common interest community for lighting of the roads and streets, to the extent of payment
14 for the electricity actually consumed, but not including the installation or maintenance of
15 lamps, standards, wiring or other equipment. Reimbursement shall be made in accordance
16 with subsection 3 of this section.

17 3. In the event the governing body of a political subdivision elects to reimburse the
18 qualified common interest community for any services set forth in subsection 1 of this
19 section, such reimbursement shall be made at the end of the calendar year, and shall be
20 limited to the annual expenditures for the preceding calendar year actually incurred by the
21 qualified common interest community. Reimbursement shall be made on the basis of the
22 following budget years of the political subdivision, beginning January 1, 2002:

23 (1) In the first local budget year, twenty percent of the cost of services;

24 (2) In the second local budget year, forty percent of the cost of services;

25 (3) In the third local budget year, sixty percent of the cost of services;

26 (4) In the fourth local budget year, eighty percent of the cost of services; and

27 (5) In the fifth local budget year and thereafter, one hundred percent of the cost of
28 services;

29

30 provided that the political subdivision may annually elect to provide any or all of the
31 services set forth in subsection 1 of this section in lieu of reimbursement.

67.1806. The governing body of the political subdivision shall enter into a written
2 agreement with every qualifying common interest community within its jurisdiction to
3 implement the political subdivision's responsibilities pursuant to sections 67.1800 to
4 67.1808. For each service, the cost of which is reimbursed, the governing body of the

- 5 political subdivision shall disclose the cost basis for the amount of the reimbursement.**
67.1808. Sections 67.1800 to 67.1806 shall become effective January 1, 2002.